

REMARKS

Applicants acknowledge receipt of an Office Action dated December 7, 2006.

In this response, Applicants have amended claims 1-4 to present the claims in a format more suitable for U.S. patent practice.

For example, Applicants have amended the claims to insert the conventional transitional term “comprising,” to replace the phrase “characterized in that” with the term “wherein,” to remove reference numerals, to remove parentheses, to remove the phrase “in particular,” and to address antecedent basis issues.

Applicants submit that these amendments do not narrow the scope of the claims and that the claims remain at least as broad as the form in which they were originally presented.

Following entry of these amendments, claims 1-4 remain pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Specification

In the Office Action, the PTO has objected to the specification and required that the abstract be submitted on a separate sheet. Applicants are submitting herewith a copy of the abstract on a separate sheet.

Rejection Under 35 U.S.C. §103

On page 2 of the Office Action, the PTO has rejected claims 1-4 under 35 U.S.C. §103 as allegedly being unpatentable over DE 10156944 A1 to Bureau *et al.* (hereafter “DE ‘944”). Applicants respectfully traverse this rejection for the following reason.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143.03.

Here, Applicants submit that the DE ‘944 fails to teach or suggest a step of “setting the evaporation temperature of the refrigerant in the evaporator, as a function of demand, to a value between a minimum temperature, T_{\min} , and a maximum temperature, T_{\max} , wherein

T_{\max} is a temperature below a phase change temperature of a latent medium in the latent refrigeration accumulator” as recited in claim 1. Accordingly, the outstanding rejection based upon DE ‘944 is improper and should be withdrawn.

If an independent claim is nonobvious under §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-4, which depend from independent claim 1, are also non-obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §103.

CONCLUSION

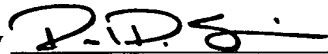
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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